

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lorin DeBonte et al. Art Unit : 1621
Serial No. : 10/034,698 Examiner : D. Carr
Filed : December 27, 2001
Title : CANOLA OIL FROM SEEDS WITH REDUCED GLUCOSINOLATES AND LINOLENIC ACID

Commissioner for Patents
Alexandria, Virginia 22313-1450

REQUEST UNDER 37 CFR § 1.607 FOR INTERFERENCE WITH PATENT

Applicants hereby request that an interference be declared between the above-identified pending application and an unexpired patent, pursuant to 37 CFR § 1.607.

Pursuant to 37 CFR § 1.607(a)(1), the unexpired patent is identified as U.S. Patent No. 6,169,190. U.S. Patent No. 6,169,190 issued on January 2, 2001.

Applicants present the following proposed count, as required by 37 CFR § 1.607(a)(2):
Claim 20 of US Serial No. 10/034,698 or Claim 1 of U.S. Patent No. 6,169,190.

Claims 1-14 of U.S. Patent 6,169,190 correspond to the proposed count, as required by 37 CFR § 1.607(a)(3). Claim 1 of U.S. Patent 6,169,190 reads as follows: Oil produced from the seed of *Brassica napus*, said oil having an oleic acid content of from about 71.4% to about 77.4% and a linolenic acid content of no more than about 3%.

Claims 20-64 of the present application would correspond to the Count.

Claim 20 is supported in the present application as follows:

A canola oil p. 5,16-9

having an oleic acid content of
about 66.3% - 72.6% p. 32, Table XIII entry for C 18:1

and an α -linolenic acid content of less
than about 7% p. 5,110

The requirements of 35 USC § 135(b) are met because a claim corresponding to the proposed count was presented in the above-identified application less than one year from the issue date of U.S. Patent 6,169,190. The relevant claim is claim 20. Claim 20 was submitted in a preliminary amendment on December 27, 2001, which is less than one year from the January 2, 2001, issue date of U.S. Patent 6,169,190.

Please apply any charges or credits to Deposit Account No. 50-1561.

Respectfully submitted,

Date: 08/19/03


Eugene C. Rzucidlo
Eugene C. Rzucidlo
Reg. No. 31,900

Greenberg Traurig LLP
885 Third Avenue, 21st Floor
New York, New York 10022
Telephone: (212) 801 2100
Facsimile: (212) 688 2449

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Pursuant to 37 CFR § 1.607(a)(1), the unexpired patent is identified as U.S. Patent No. 5,965,755. U.S. Patent No. 5,965,755 issued on October 12, 1999.

Applicants present the following proposed count, as required by 37 CFR § 1.607(a)(2):
Claim 65 of US Serial No. 10/034,698 or Claim 1 of US Patent No. 5,965,755.

At least claims 1-11 in U.S. Patent No. 5,965,755 correspond to the proposed count, as required by 37 CFR § 1.607(a)(3). Claim 1 of U.S. Patent No. 5,965,755 reads as follows: Oil from the seed of *Brassica napus*, said oil having an oleic:linolenic acid ratio value of from about 34.0 to about 55.3.

There is at least one claim already pending in the above-identified application that corresponds to the proposed count, as required by 37 CFR § 1.607(a)(4). Pending claim 65 reads as follows: "The oil of claim 38, wherein said oil has an oleic acid/linolenic acid ratio ranging from 15.1 to 38.2."

Claim 65 is supported in the disclosure as follows:

The oil of claim 38

Wherein said oil has an oleic acid/I-linolenic acid ratio ranging from 15.1 to 38.2

Table I
60.4/4.0
and 72.6/1.9

The requirements of 35 USC § 135(b) are met because a claim corresponding to the proposed count was presented less than one year from the issue date of U.S. Patent No. 5,965,755. Claims relating to the same subject matter were present in U.S. Serial No. 08/850,279 filed on May 5, 1997, now U.S. patent No. 6,270,828 which is within the § 135 statutory time period.

The requirements of 35 USC § 135(b) are met because claims corresponding to the proposed count were presented in application serial no. 09/304,366 less than one year

Respectfully submitted,

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Reg. No. 31,900

Greenberg Traurig LLP
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New York, New York 10022
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